



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 2  
290 BROADWAY  
NEW YORK, NY 10007-1866

MAR 31 2008

To All Interested Government Agencies and Public Groups:

In accordance with the U.S. Environmental Protection Agency's (EPA) procedures for the preparation of environmental impact statements (EIS), an environmental review has been performed on the proposed agency action below:

Project Name:	Town of Dewitt, Hamlet of Jamesville Sewer Improvement Project.
Purpose of Project:	The Town of Dewitt proposes to connect a number of homes in the Hamlet of Jamesville that are currently served by problematic septic systems, to the Onondaga County sanitary force main.
Project Originator:	Town of Dewitt
Project Location:	Onondaga County, New York
Project Description:	The Town of Dewitt is proposing to construct approximately 8,700 linear feet of 8-inch diameter sanitary sewers and appurtenances along North Street, South Street, NYS Route 173 and Jutland Drive, a pumping station north of NYS Route 173 and west of Solvay Road, and 100 linear feet of 6-inch force main from the pumping station to the existing Onondaga County sanitary force main on Solvay Road, as well as 120 sewer laterals.
Estimated Eligible Project Costs:	\$ 962,200
EPA Grants:	\$ 962,200

Our environmental review of this project indicates that no significant adverse environmental impacts will result from the proposed action. Consequently, we have made a decision not to prepare an EIS on the project. This decision is based on a careful review of the project's environmental information document, a site visit to the project area and other supporting information. All of these documents, along with the Environmental Assessment (copy enclosed), are on file at the offices of the EPA Region 2 and the Town of Dewitt, New York, where they are available for public scrutiny upon request. The EA is also available on EPA Region 2's website at <http://www.epa.gov/region02/spmm/r2nepa.htm#r2docs>.

Comments supporting or disagreeing with this decision may be submitted to EPA for consideration. All comments must be received within **30** calendar days of the date of this finding of no significant impact (FNSI). Please address your comments to: Grace **Musumeci**, Chief, Environmental Review Section, at the above address. No administrative action will be taken on the project for at least **30** calendar days after the date of this FNSI.

Sincerely,

A handwritten signature in dark ink, appearing to read "Alan J. Steinberg". The signature is fluid and cursive, with the first name "Alan" and last name "Steinberg" clearly distinguishable.

Alan J. Steinberg  
Regional Administrator

Enclosure

## Environmental Assessment

### I. Project Identification

Project Name: Town of Dewitt: Jamesville Sewer District

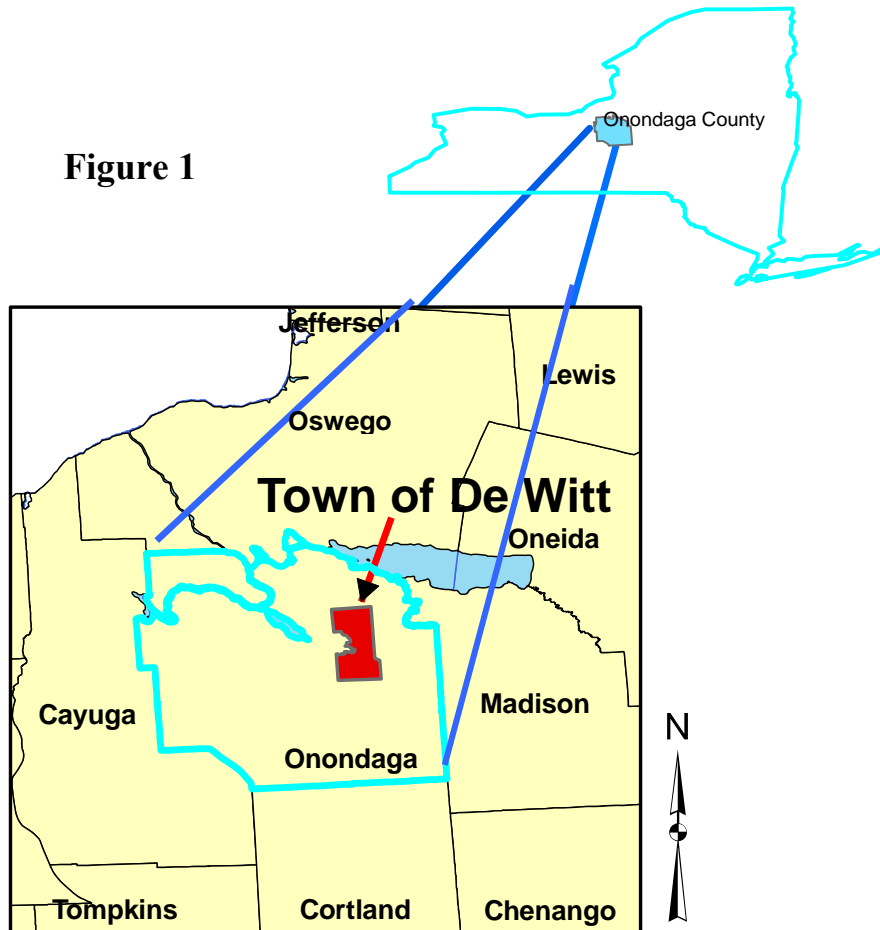
Grant Applicant: Town of Dewitt  
5400 Butternut Drive  
East Syracuse, New York 13057-0159

Project Location: Hamlet of Jamesville  
Town of Dewitt  
Onondaga County, New York

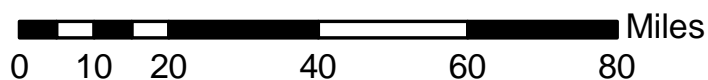
### II. Description of the Facility Planning Area

The planning area for this project, the Hamlet of Jamesville, is located in the Town of Dewitt, New York (Figure 1). The Town of Dewitt is located in the north central portion of Onondaga County, to the east of Onondaga Lake. The Hamlet of Jamesville is approximately 6 miles southeast of the City of Syracuse.

**Figure 1**



### III. Purpose and Need for the Project



Currently, the Hamlet of Jamesville is served entirely by private subsurface sewage disposal systems; there are no public sanitary sewers within the Hamlet's borders. Surveys have indicated that a number of these private systems are having a variety of problems which could pose a health threat and effect the water quality of Rush and Butternut Creeks.

The construction of sanitary sewers in Jamesville had been considered previously, in order to eliminate the use of subsurface disposal systems. However, studies had indicated that the cost would be excessive as there was no close trunk sewer or usable treatment facility nearby. At this time, the Onondaga County Department of Water Environment Protection is constructing a sanitary trunk force main to convey sewage from the Onondaga County Penitentiary through Jamesville along Solvay Road. Accordingly, the Town of Dewitt is now being afforded the opportunity to more economically convey sanitary sewage from the Hamlet.

#### **IV. Detailed Description of Selected Plan**

The Town of Dewitt is proposing to construct approximately 8,700 linear feet of 8-inch diameter sanitary sewers and appurtenances along North Street, South Street, NYS Route 173 and Jutland Drive, a pumping station north of NYS Route 173 and west of Solvay Road, 100 linear feet of 6-inch force main from the pumping station to the existing Onondaga County sanitary force main on Solvay Road, and 120 sewer laterals.

#### **V. Estimated Project Costs**

Total Project Cost:	\$1,750,000
EPA Grant-Eligible Cost	\$ 962,200
EPA Grant No. XP97274505	\$ 962,200
Community Development Block grant	\$ 100,000
Cost to Jamesville Sewer District	\$ 687,800
Existing Yearly Household User Charge:	\$ 0.00 (no existing system)
Estimated 1 <sup>st</sup> Year Household User Charge:	\$ 639.31

#### **VI. Evaluation of Alternatives**

##### **A. No Action Alternative**

The No Action alternative was considered; but with the number of documented sewage problems in the Hamlet anticipated to increase over time, it was determined that the no action alternative was not an appropriate option.

##### **B. Construction of a New Sewage Collection System to Serve the Hamlet of Jamesville**

In order to alleviate existing problems due to failing septic systems, and reduce the resultant impact on aquatic resources, it was determined that a new sewage collection system was needed.

During the conceptual layout of the proposed sanitary sewer improvement, different alternatives were considered for service area, design and routing.

1) Service Area

Alternatives were considered as to the size of the proposed sewer service area. It was determined that the proposed service area is most effective, and implementable, while still allowing for future expansion if necessary.

2) Engineering Design

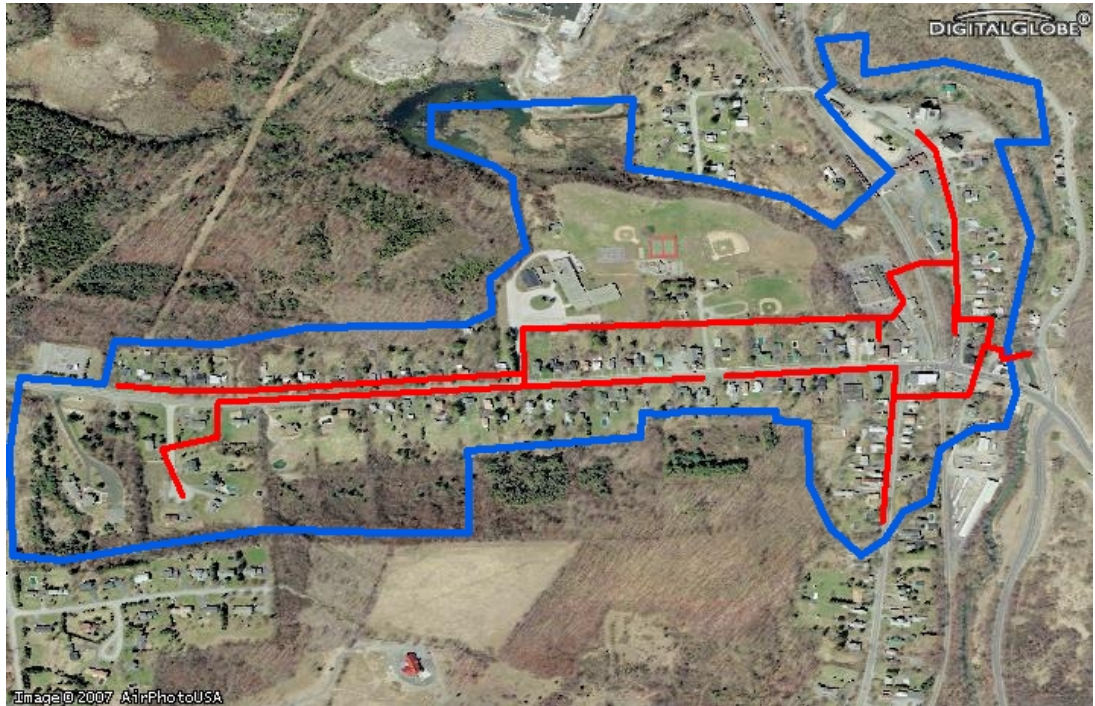
Construction of a pressure system, utilizing pumps and small diameter pipes was considered. However, due to issues such as long term operation and maintenance costs and system operation during power outages, it was determined that a gravity system would be preferable to a pressure system.



3) Routing

The proposed sewer lines have been routed to the extent practicable along existing highway and utility right of ways to minimize impacts to project area resources. However, the sewer line is proposed to be located along the north side of properties from School Street to North Street to provide service to existing school facilities at the north end of School Street, to provide service to homes along Quinlan Avenue, to avoid traffic impacts to the Hamlet center, and to facilitate connections as existing septic systems are in the rear of the homes. The sewer line is proposed to be located along the south side of the properties east of Apulia Road to avoid traffic impacts in the Hamlet center.

C. The Selected Plan

The Town of Dewitt is proposing to construct approximately 8,700 linear feet of 8-inch diameter sanitary sewers and appurtenances along North Street, South Street, NYS Route 173 and Jutland Drive, a pumping station north of NYS Route 173 and west of Solvay Road, and 100 linear feet of 6-inch force main from the pumping station to the existing Onondaga County sanitary force main on Solvay Road, and 120 sewer laterals (see Figure 2). 133 equivalent dwelling units (EDUs) will be included.

**Figure 2**

Legend	
	Proposed Sanitary Sewer
	Proposed Jamesville Sewer District

## VII. Environmental Consequences of the Selected Plan/Mitigation Measures

### A. Surface Water and Groundwater Quality

The project is not located over a Federally-designated sole source aquifer. (USEPA 2007). It will, however, require the crossing of Rush and Butternut Creeks, which have been designated as C (T) waters by the New York State Department of Environmental Conservation (NYSDEC). The C designation indicates that the best use of these streams is for fishing, and that they are suitable for fish propagation and survival. The (T) indicates these streams are trout waters. Crossing of these streams is proposed to occur via directional boring under each.

While there is some potential for impacts to water quality due to sediment deposition into streams during the installation of sewer lines and appurtenances, any such impacts would be temporary, lasting only during the construction phase activities. Nevertheless, measures will be incorporated into the construction phase of this project that will reduce or eliminate to the greatest extent practicable any such impacts. Foremost among these measures, directional boring under Rush and Butternut Creeks will be used to minimize potential impacts. Additional mitigation measures will be incorporated into boring procedures to limit the possible sedimentation of adjacent streams and wetlands. Applicable erosion and sedimentation control practices, including but not limited to silt fencing, stabilized staging areas and reestablishment of vegetation upon completion of construction activities, will also be utilized.

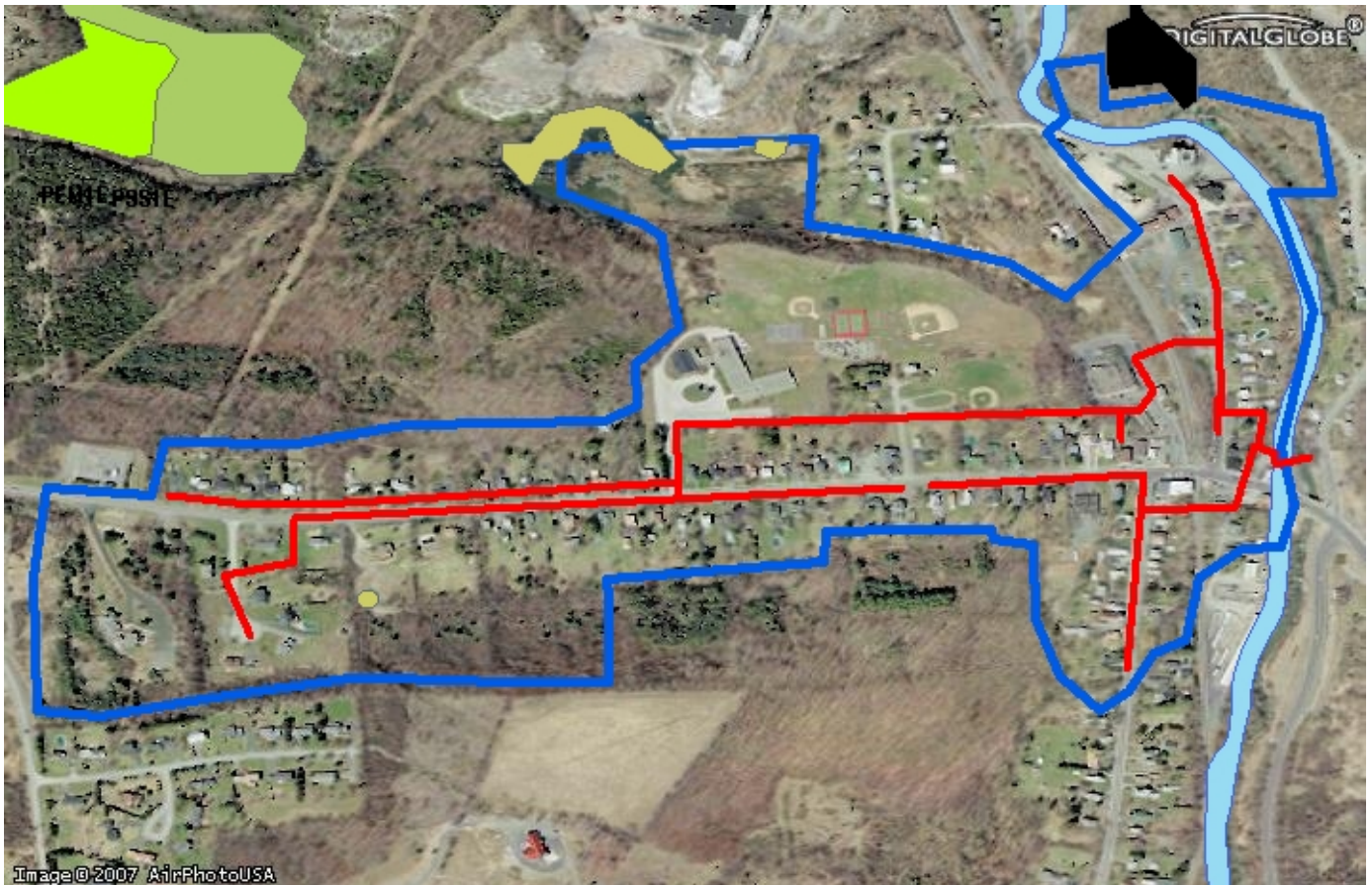
Upon completion of the construction activities, areas impacted will be restored. No long term adverse impacts to water quality are anticipated. Implementation of this project will serve to reduce or eliminate pollution problems associated with the septic systems within the District. This will improve water quality with Rush and Butternut Creeks within, and downstream of, the proposed sewage district.

### B) Wetlands/Floodplains

Existing wetland mappings published by the NYSDEC and the United States Fish and Wildlife Service (FWS) were reviewed in relation to the project components. No state jurisdictional wetlands are located in proximity to the proposed facilities.

National Wetlands Inventory designated wetlands are located in the periphery of the proposed service area, but for the most part are located a good distance away from any potential direct impacts due to construction of the collection system. These wetlands include palustrine emergent, palustrine unconsolidated bottom, palustrine scrub shrub, and palustrine forested wetlands. (See Figure 3).

Figure 3



### Legend

- Proposed Sanitary Sewer
- Proposed Jamesville Sewer District
- 100 Year Floodplain
- National Wetlands Inventory Wetlands**
  - Palustrine Emergent
  - Palustrine Scrub/Shrub
  - Palustrine Unconsolidated Bottom
  - Palustrine Forested

No direct wetlands impacts are anticipated. Portions of the pipeline may be installed adjacent to regulated wetlands areas; however, the pipeline will be bored under the streams and associated wetlands to avoid impacts. Impacts to adjacent areas would be temporary, lasting only during construction phase activities. Any adjacent areas impacted would be restored upon completion of pipeline installation activities. Accordingly, no long term impacts to wetlands or adjacent areas are anticipated.

Applicable erosion control and sedimentation control practices as outlined in the New York Standards and Specifications for Erosion and

Sediment Control will be implemented during construction to minimize potential environmental consequences. Practices to be implemented include the use of silt fencing and reestablishment of vegetation upon completion of construction activities.

According to Federal Emergency Management Agency mapping (see Figure 3), the 100-year floodplain for Butternut Creek extends generally north-south through Jamesville, paralleling North and South Streets. Based upon a review of the FEMA map, the majority of the proposed project facilities will not be located within the 100-year floodplain. Portions of the proposed force main and sanitary sewer will be located within the 100-year floodplain northwest of the intersection of NYS Route 173 and Solvay Road, but these facilities will be installed underground such that impacts to the floodplain are not anticipated. No proposed above grade facilities, including the pump station, will impact the floodplain.

### **C) Air Quality**

The proposed Jamesville Sewer District project is located in Onondaga County, NY, part of the Onondaga County carbon monoxide (CO) maintenance area. Because the project is funded through a Federal grant by the Environmental Protection Agency (EPA), the project is subject to the general conformity regulations (40 CFR 93 Subpart B).

Accordingly, since the Jamesville Sewer District project is subject to general conformity, EPA conducted an analysis of pollutant emissions from the project. Carbon monoxide is a directly-emitted pollutant with no identified precursors. Therefore, it was necessary to determine the amount of directly-emitted CO for the project. Table 1 below shows the results of the general conformity applicability analysis. Emissions of CO in the Jamesville Sewer District project's construction year of 2008 are below the applicable de minimis threshold values; therefore, the project is presumed to conform to the State Implementation Plan and no further action is necessary.

**TABLE 1**

<b>2008 CONSTRUCTION EMISSIONS SUMMARY FOR GENERAL CONFORMITY</b>	
<b>POLLUTANT</b>	<b>CO</b>
<b>OFF-ROAD CONSTRUCTION EMISSIONS (tons/year)</b>	0.496
<b>ON-ROAD CONSTRUCTION EMISSIONS (tons/year)</b>	0.720
<b>TOTAL CONSTRUCTION EMISSIONS (tons/year)</b>	1.216
<b>GENERAL CONFORMITY THRESHOLD (tons/year)</b>	100
<b>PERCENTAGE OF THRESHOLD</b>	1.22%

### **D) Vegetation**

FWS and the NYSDEC were contacted for input on any rare, threatened or endangered species and/or critical habitat in the project area.

The NYSDEC noted that several natural community types that are considered significant habitat types in New York State are identified at Clark Reservation, located northwest of the project area. These communities include calcareous talus slope woodlands, calcareous cliff community, maple-basswood rich mesic forest and limestone woodland. In addition, a number of state listed endangered species have also been recorded in the general project vicinity. The following vascular plants, are listed as endangered by the NYSDEC.

Species	Scientific Name	NYS Class.	Last Seen
Puttyroot	<i>(Aplectrum hyemale)</i>	NYS Endangered	1905, Green Lake, northwest of the project area
Common moonwort	<i>(Botrychium lunaria)</i>	NYS Endangered	1872, along Jamesville Road
Woodland bluegrass	<i>(Poa sylvestris)</i>	NYS Endangered	1916, Green Lake, northwest of the project area
Yellow giant-hysop	<i>(Agastache nepetoides)</i>	NYS Endangered	1903, 700 feet east of the project area.
Hooker's orchid	<i>(Platanthera hookeri)</i> ,	NYS Endangered	1918, approximately 700 feet east of the project area adjacent to a quarry
American hart's-tongue fern	<i>(Asplenium scolopendrium</i> var. <i>americanum)</i>	Federally-listed Threatened	NA
Eastern prairie fringed orchid	<i>(Platanthera leucophea)</i>	Federally-listed Threatened	NA
Small whorled pogonia	<i>(Isotria medeoloides).</i>	Federally-listed Threatened	NA

Since the project area consists primarily of existing highway and utility right of ways, the habitats that support the resources above are not found within the area of potential impact. Therefore, impacts to these resources are not anticipated. Nevertheless, the project area will be surveyed prior to construction to evaluate the potential of the proposed project to impact the identified plants. If encountered, avoidance and minimization measures will be incorporated into construction techniques as required by the Federal Endangered Species Act and applicable New York State statutes. Impact to any other vegetation will be minimal and/or temporary. Consequently, it is anticipated that there will be no significant adverse impacts to vegetation in the project area.

**E) Wildlife**

As noted above, the NYSDEC and FWS were contacted for input on any rare, threatened or endangered species and/or critical habitat in the project area.

According to the NYSDEC, the tawny crescent butterfly (*Phyciodes batesii batesii*), a historical species in New York State that is critically imperiled globally was last seen in 1974 within a power line right of way off of NYS Route 173 in an unspecified location. The FWS did not respond with a list of species present; however, the list of Federally-listed endangered or threatened species found in Onondaga County includes the Eastern massasauga (*Sistrurus catenatus catenatus*), the Indiana bat (*Myotis sodalis*) and the Bog Turtle (*Clemmys muhlenbergii*).

However, our review of the project impact area indicates that no habitat for the aforementioned species exists. It is likely that any transient individual would avoid the project area during construction activities. In addition, there are no Federally-listed critical habitats within the project area. Consequently, impacts to endangered or threatened species or critical habitats is not anticipated as a result of this action.

**F) Noise**

Construction phase activities will result in temporary increases in noise caused by operation of construction vehicles and equipment. These impacts will be short term, lasting only during construction phase activities. The contractor will be required to mitigate impacts by providing equipment with mufflers, turning off equipment when not in use, adhering to established working hours, and staging vehicles and equipment in designated areas. No long term noise impacts are expected from facility operation.

**G) Coastal Resources**

This project is not located within a state-designated coastal zone; consequently, coastal resources will not be impacted.

**H) Agricultural Lands**

According to the Onondaga County Planning Agency, none of the project components will be located within an Onondaga County agricultural district. As shown on Figure 4, portions of the project area contain soils that are considered "Prime Farmland or "Farmland of State Importance." However, since the majority of proposed improvements will be performed within existing highway

PLOT DATE: 03/13/07 DN: 732 JPS

**Figure 4**



## **I) Cultural Resources**

A Phase I cultural resources investigation and archeological study was completed for the project area. In addition, in compliance with Section 106 of the National Historic Preservation Act, the Onondaga Nation was notified of the proposed project and had a representative present to monitor the performance of the Phase I Cultural Resource Survey. Correspondence from the New York State Office of Parks, Recreation and Historic Preservation and the Onondaga Nation are included within Appendix B.

Based on the results of this investigation, no further archeological study was

recommended for the project area. On July 17, 2007, the New York State Office of Parks, Recreation and Historic Preservation concurred with this recommendation, based upon adherence with the following three conditions: a qualified archeologist must be present during the construction of the sewer line to monitor for Native American burials; the Human Remains Discovery Protocol must be included on all construction drawings; and consultation with the Onondaga Nation continue as required by 36 CFR 800 Section 800.2 (c)(2)(ii). These conditions were deemed necessary since Contact Period Onondaga burials have been noted previously in the vicinity of Jamesville, and these cemeteries are difficult to locate using shovel testing protocol of a Phase IA investigation.

**J) Traffic**

Sewer lines will be constructed primarily within existing highway right of ways. Installation of pipeline segments may result in temporary disruptions to traffic flow. These impacts will be short term, lasting only during working hours during construction phase activities. No long term impacts to roadway or traffic patterns are anticipated. The contractor will be required to establish and maintain litigation measures in accordance with the New York State Department Of Transportation Manual of Uniform Traffic Control Devices to provide for safe and continuous flow during construction activities Highway work permits will be obtained as necessary.

**K) Odors/Aesthetics**

Construction phase activities will result in temporary increases in odors caused by operation of construction vehicles and equipment. These impacts will be short short term, lasting only during construction phase activities. No long-term odor issues are anticipated from facility operations. In addition, the majority of the proposed improvements will be installed underground and therefore will not be visible.

**M) Socioeconomic Impacts**

This project is not anticipated to have a negative impact upon socio-economic conditions in the proposed district. Implementation of this project will provide reliable long-term wastewater treatment for the 133 EDUs within the proposed District. It will also alleviate the need to provide costly repairs to multiple septic systems that are experiencing problems that pose threats to resident health and water quality in Rush and Butternut Creeks. The project will therefore benefit all residents and businesses within the district, regardless of race or income status.

In order to reduce the burden to individual homeowners, the Town has agreed to

install an additional 30 feet of lateral pipe for each property owner who provides an easement for lateral installation.

The project will have a positive impact on the project area by providing an effective solution to the on-site wastewater problems. There are no existing municipal sewer services in the project area, so there is no current rate paid for sewer service. The total projected first year cost for a typical residential user in the project area is estimated at \$639. This represents 1.4 % of the Town of Dewitt's median household income of \$46,759 (2000 Census).

#### **N) Environmental Justice**

The project area has been reviewed in accordance with EPA's criteria for identifying potential Environmental Justice (EJ) areas. In performing the assessment, the Hamlet of Jamesville, New York, was identified as the community of Concern (COC), the geographic area as defined for the purposes of an EJ assessment.

For environmental burden analysis, Region 2 advances the concept of an "Environmental Load Profile (ELP)." The profile would provide a representation of the environmental load (i.e., relative environmental burden) within a community. The ELP serves to identify communities that may bear a disproportionate environmental load in comparison to statewide-derived thresholds. Currently, the Environmental Load Profile consists of the following three indicators: Toxics Release Inventory (TRI) Air Emissions, Air Toxics, and Facility Density. The ELP generates a summary report that provides numeric values for state thresholds, indicator of the community of concern (COC Indicator), and the ranking of the community in the state. These calculated values not only identify whether the particular community meets an ELP threshold, but further upon exceedance, the indicator value is ranked to provide a measure of magnitude.

Analysis of the Environmental Load Analysis for the Hamlet of Jamesville reveals that none of the indicators evaluated exceeds the respective New York State thresholds (see Figure 4).

**Figure 4: Environmental Load Analysis**

<b>Indicators</b>	<b><u>NY State Threshold</u></b>	<b><u>COC Indicator</u></b>	<b><u>Ranking</u></b>
<u>TRI Indicator:</u>	5.67	5.27	0
<u>Facility Density Indicator:</u>	56	52.74	0
<u>Air Toxics Cancer Indicator:</u>	63.55	36.91	0
<u>Air Toxics Non_cancer Indicator:</u>	11.3	4.85	0

Further, analysis of the project area indicates that minorities are 9.9% of the

population (compared to 51.5%, the percentage for determining minority areas in urban areas of New York State), and that 4.5% percent of residents have income below the poverty level (compared to 23.6%, which is the percentage that EPA uses in New York State to identify low income areas). Accordingly, the area does not meet the EPA criteria for being classified an EJ area and no additional EJ analysis is necessary.

**N) Cumulative Impacts**

This project will be constructed in accordance with all local, state and federal laws. The objective of this project is not to stimulate additional; residential, commercial or industrial growth, but to improve public services to existing homes and facilities. The proposed project will result in the elimination of a potential health threat and significantly improve the surface water quality in Rush and Butternut Creeks.

The project area for this project is approximately 10 miles away from the Northeast LaFayette/Smokey Hollow Road Water District Project, located in the Town of LaFayette, Onondaga County, New York, which was reviewed to determine if the potential for cumulative impacts exist from the implementation of both projects. The LaFayette project involves the construction of nearly 20,000 linear feet of 8 inch waterline, as well as hook ups for up to 151 residences, to replace the Village of East Syracuse's water main and network of water services in West Shore Manor. Neither project is expected to adversely impact groundwater, surface water, wetlands, floodplains or endangered species. Impacts to air quality will be localized and temporary, lasting only through the construction period. Residents to be provided drinking water as part of the Northeast LaFayette/The Smokey Hollow Road Water District Project currently use onsite septic systems; accordingly, provision of an alternate supply of water will not increase discharges to surface water. Further, construction of sanitary sewers in Jamesville will have no impact on the water resources to be used in the LaFayette project. Accordingly, adverse cumulative impacts are not anticipated as a result of the implementation of these projects.

## VIII. Coordination of Environmental Review

### A) Tribal Nations and Federal, State and Local Agencies Consulted

Onondaga County Department of Health  
 Onondaga County Department of Water Environment Protection  
 Onondaga County Department of Transportation  
 New York State Department of Environmental Conservation Region 7  
 New York State Office of Parks, Recreation and Historic Preservation  
 New York State Department of Transportation Region 3  
 U.S. Fish and Wildlife Service  
 Onondaga Nation Council of Chiefs

### B) Significant Correspondence

- 1) Letter from Joe Heath to Town of Dewitt; 6/23/05
- 2) Letter from Joe Heath to Town of Dewitt; 12/21/05
- 3) Letter from Town of Dewitt to Joe Heath; 12/22/05
- 4) Letter from Joe Heath to Town of Dewitt; 9/7/06
- 5) Letter from Joe Heath to Town of Dewitt; 5/01/06
- 6) Letter from O'Brien & Gere to Sherry Morgan, USFWS; 11/01/06
- 7) Letter from USFWS to O'Brien & Gere; 12/5/06
- 8) Letter from O'Brien & Gere to NYSDEC; 11/1/06
- 9) Letter from NYSDEC to O'Brien & Gere; 12/1/06
- 10) Letter from O'Brien & Gere to New York State Natural Heritage Program; 11/1/06
- 11) Letter from New York Natural Heritage Program to O'Brien & Gere; 12/8/06.

### C) Reference Documents

- *Jamesville Sewer District Environmental Information Document, O'Brien & Gere, March 2007*
- *"General Conformity Determination, Jamesville Sewer District, Jamesville, NY," prepared by US EPA; 10/07*
- *Phase IA Archeological Background and Literature Review and Phase IB Archeological Field Reconnaissance Report of the Proposed Jamesville Sewer District in the Town of Dewitt, Onondaga County, New York; Alliance Archeological Services; 1/07*
- EPA Region 2 Environmental Justice Screening Tool:  
[http://r2orapps.r02.epa.gov/pls/nepassist/ej\\_entry.runEJReport?zipCode=&city\\_name=Jamesville&muni\\_name=&mcd\\_code=&state=36&buffer=0&mapreport=getreport&cmd=General](http://r2orapps.r02.epa.gov/pls/nepassist/ej_entry.runEJReport?zipCode=&city_name=Jamesville&muni_name=&mcd_code=&state=36&buffer=0&mapreport=getreport&cmd=General)

### D) Appendices

#### A: Correspondence

## **Appendix A: Correspondence**



## New York State Office of Parks, Recreation and Historic Preservation

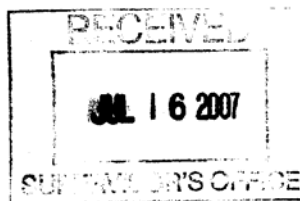
Historic Preservation Field Services Bureau • Peebles Island, PO Box 189, Waterford, New York 12188-0189

518-237-8643

www.nysparks.com

James DiStefano  
Town of Dewitt  
5400 Butter Nut Drive  
East Syracuse, New York 13057-8509  
(faxed this day to 315-449-2065)

July 16, 2007



Mike K.

Eliot Spitzer  
Governor

Carol Ash  
Commissioner

Re: EPA  
Jamesville Sewer District  
Village of Jamesville, Town of Dewitt  
Onondaga County  
07PR03766 (Formerly 02PR4726)

Dear Mr. DiStefano:

Thank you for requesting the comments of the State Historic Preservation Office (SHPO). We have reviewed the Phase I Cultural Resources Investigation Report, prepared by Nikki Waters and dated January 2007, in accordance with Section 106 of the National Historic Preservation Act of 1966.

Based upon this review, it is the SHPO's opinion that your project will have No Adverse Effect upon cultural resources in or eligible for inclusion in the National Registers of Historic Places with the condition that:

1. A 36 CFR 61 qualified archaeologist be present during the construction of the sewer line to monitor for Native American burials. This approach is recommended by the SHPO because cemeteries are difficult to locate using shovel testing and Contact Period Onondaga burials have been previously identified in the vicinity of the Village of Jamesville.
2. The attached Human Remains Discovery Protocol is included on all construction drawings.
3. Consultation with the Onondaga Nation regarding the effects of this project continue as required by 36 CFR 800 Section 800.2 (c) (2)(ii). An overview of this requirement is attached.

The SHPO appreciates the opportunity to comment on this information. It should be noted that further consultation with the SHPO will be necessary if there are any changes to the project. Please telephone me at ext. 3280 with any questions you may have.

Sincerely,

*Nancy Herter*

Nancy Herter

cc. Anthony Gonyea, Onondaga Nation (faxed this day to 315-475-2465)  
Janice Whitney, EPA (faxed this day to 212-637-3772)  
Nikki Waters, Alliance Archaeological Services



## New York State Office of Parks, Recreation and Historic Preservation

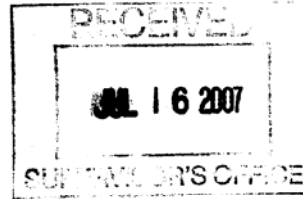
Historic Preservation Field Services Bureau • Peebles Island, PO Box 189, Waterford, New York 12188-0189

518-237-8643

www.nysparks.com

James DiStefano  
Town of Dewitt  
5400 Butter Nut Drive  
East Syracuse, New York 13057-8509  
(faxed this day to 315-449-2065)

July 16, 2007



*Mike K.*

**Eliot Spitzer**  
Governor

**Carol Ash**  
Commissioner

**Re:** EPA  
Jamesville Sewer District  
Village of Jamesville, Town of Dewitt  
Onondaga County  
07PR03766 (Formerly 02PR4726)

Dear Mr. DiStefano:

Thank you for requesting the comments of the State Historic Preservation Office (SHPO). We have reviewed the Phase I Cultural Resources Investigation Report, prepared by Nikki Waters and dated January 2007, in accordance with Section 106 of the National Historic Preservation Act of 1966.

Based upon this review, it is the SHPO's opinion that your project will have No Adverse Effect upon cultural resources in or eligible for inclusion in the National Registers of Historic Places with the condition that:

1. A 36 CFR 61 qualified archaeologist be present during the construction of the sewer line to monitor for Native American burials. This approach is recommended by the SHPO because cemeteries are difficult to locate using shovel testing and Contact Period Onondaga burials have been previously identified in the vicinity of the Village of Jamesville.
2. The attached Human Remains Discovery Protocol is included on all construction drawings.
3. Consultation with the Onondaga Nation regarding the effects of this project continue as required by 36 CFR 800 Section 800.2 (c) (2)(ii). An overview of this requirement is attached.

The SHPO appreciates the opportunity to comment on this information. It should be noted that further consultation with the SHPO will be necessary if there are any changes to the project. Please telephone me at ext. 3280 with any questions you may have.

Sincerely,

*Nancy Herter*

Nancy Herter

cc. Anthony Gonyea, Onondaga Nation (faxed this day to 315-475-2465)  
Janice Whitney, EPA (faxed this day to 212-637-3772)  
Nikki Waters, Alliance Archaeological Services



## New York State Office of Parks, Recreation and Historic Preservation

Historic Preservation Field Services Bureau • Peebles Island, PO Box 189, Waterford, New York 12188-0189

518-237-8643

[www.nysparks.com](http://www.nysparks.com)

**Eliot Spitzer**  
Governor

**Carol Ash**  
Commissioner

### State Historic Preservation Office/ New York State Office of Parks, Recreation and Historic Preservation Human Remains Discovery Protocol

In the event that human remains are encountered during construction or archaeological investigations, the State Historic Preservation Office (SHPO) requires that the following protocol is implemented:

- At all times human remains must be treated with the utmost dignity and respect. Should human remains be encountered work in the general area of the discovery will stop immediately and the location will be immediately secured and protected from damage and disturbance.
- Human remains or associated artifacts will be left in place and not disturbed. No skeletal remains or materials associated with the remains will be collected or removed until appropriate consultation has taken place and a plan of action has been developed.
- The county coroner and local law enforcement as well as the SHPO and the involved agency will be notified immediately. The coroner and local law enforcement will make the official ruling on the nature of the remains, being either forensic or archeological. If the remains are archeological in nature, a bioarchaeologist will confirm the identification as human.
- If human remains are determined to be Native American, the remains will be left in place and protected from further disturbance until a plan for their avoidance or removal can be generated. The involved agency will consult Nancy Herter, SHPO (518-237-8643, ext 3280) and Anthony Gonyea, Onondaga Nation (315-951-3109) to develop a plan of action that is consistent with the Native American Graves Protection and Repatriation Act (NAGPRA) guidance.



## New York State Office of Parks, Recreation and Historic Preservation

Historic Preservation Field Services Bureau • Peebles Island, PO Box 189, Waterford, New York 12188-0189

518-237-8643

[www.nysparks.com](http://www.nysparks.com)

**Eliot Spitzer**  
Governor

**Carol Ash**  
Commissioner

### Consultation with Native American Tribes

The New York State Historic Preservation Office (SHPO) is often contacted with questions about appropriate consultation with Native American tribes. The SHPO can provide the following information to assist with tribal consultation.

Federal agencies are required to consult with appropriate Native American tribes for any undertaking that requires compliance with Section 106 of the National Historic Preservation Act of 1966.

In accordance with 36 CFR 800 Section 800.2(c)(2)(ii), federal agencies must consult with any Native American tribe that attaches religious and cultural significance to historic properties that may be affected by an undertaking. This requirement applies regardless of the location of the historic property.

It is the responsibility of the federal agency official to make a reasonable and good faith effort to identify Native American tribes that should be consulted in the Section 106 process. A list of federally recognized tribes and maps of Native American lands are available from the Bureau of Indian Affairs. Also, a list of Tribal Historic Preservation Offices (THPO) is available from the National Park Service at [www2.cr.nps.gov/tribal/thpo.htm](http://www2.cr.nps.gov/tribal/thpo.htm).

It is the responsibility of the federal agency official to ensure that consultation in the Section 106 process provides Native American tribes with a reasonable opportunity to identify their concerns about historic properties, advise on the identification and evaluation of historic properties, including those of traditional religious and cultural importance, articulate their views on the undertaking's effects on such properties, and participate in the resolution of adverse effects (Section 800.2(c)(2)(ii)(A)).

To request information on properties of traditional religious and cultural importance to Native Americans it is necessary to contact the appropriate tribe or tribes directly. The SHPO does not conduct these types of property evaluations, which are more appropriately the purview of the Native American tribes.

For federal agency projects, additional guidance or procedures regarding consultation with Native American tribes should be available from the Federal Agency Preservation Officer. For projects in which application is being made for funding or permits from a federal agency, inquiry as to that agency's procedures for consultation with Native American tribes may be appropriate.

The SHPO provides this information in order to assist with the satisfactory implementation of this regulation.